

STATE OF WISCONSIN
BEFORE THE REAL ESTATE BOARD

FILE COPY

IN THE MATTER OF THE DISCIPLINARY:
PROCEEDINGS AGAINST :

CYNTHIA M. WERGIN and
WERGIN REALTY, INC.,
RESPONDENTS. :

FINAL DECISION AND ORDER

93 REB 014

The parties to this action for the purpose of Wis. Stats. Sec. 227.53 are:

Cynthia M. Wergin
1219 Highland Park
Wausau, WI 54401

Wergin Realty, Inc.,
P.O. Box 2194
Wausau, WI 54402

Wisconsin Real Estate Board
P.O. Box 8935
Madison, WI 53708-8935

Department of Regulation and Licensing
Division of Enforcement
P.O. Box 8935
Madison, WI 53708-8935

The parties in this matter agree to the terms and conditions of the attached Stipulation as the final disposition of this matter, subject to the approval of the Board. The Board has reviewed this Stipulation and considers it acceptable.

Accordingly, the Board in this matter adopts the attached Stipulation and makes the following:

FINDINGS OF FACT

1. Cynthia M. Wergin ("Wergin"), 1219 Highland Park Blvd., Wausau, WI 54401, is a real estate broker having State of Wisconsin license #31126, which license was originally granted on May 3, 1982.

2. Wergin Realty, Inc., ("Corporation"), is a Wisconsin corporation having a postal address of P.O. Box 2194, Wausau, WI 54402.

RECEIVED

MAY 1994

Division of Licensing
and Enforcement

3. Corporation is licensed as a real estate broker, having State of Wisconsin license #24389, which license was originally granted on September 26, 1980.

4. Cynthia Wergin was an officer of the Corporation on or about January 8, 1993.

5. On or about January 8, 1993, in the Circuit Court for Marathon County, State of Wisconsin, in Case Number 93-CF-7, Wergin was charged with three violations of the criminal code for the State of Wisconsin, all as set forth in the Indictment in that case, a copy of which indictment is attached hereto as Exhibit "A" and incorporated herein as it set forth at length.

6. On or about September 28, 1993, an Information was filed in Case #93-CF-7, in the Circuit Court for Marathon County, wherein Wergin was charged with three Class C felony counts relating to fraud and theft, all as set forth in the Information in that case, a copy of which information is attached hereto as Exhibit "B" and incorporated herein as if set forth at length.

7. On or about September 28, 1993, Wergin was found guilty of committing three felonies upon her plea of No Contest. These counts involve the criminal conduct of Forgery in the use of the United Methodist Church Trustee's checking account and in theft of monies from the United Methodist Church, all as described in the Indictment and Information.

8. A copy of the Judgment of Conviction in Case #93-CF-7 is attached hereto as Exhibit "C" and incorporated herein as if set forth at length.

9. The circumstances of the crimes Wergin was convicted of substantially relate to the practice of real estate by a real estate broker.

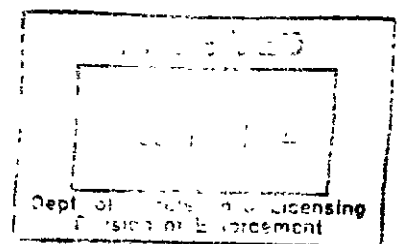
10. Wergin did not notify the Department of Regulation and Licensing of the above-described criminal convictions.

11. Wergin has offered to voluntarily surrender her real estate broker license as a resolution of this disciplinary proceeding.

12. The Corporation has offered to accept a Reprimand and limitation of license as a resolution of this disciplinary proceeding.

CONCLUSIONS OF LAW

1. The Wisconsin Real estate Board has jurisdiction to act in this matter pursuant to Sec. 452.14, Wis. Stats.



2. The Wisconsin Real Estate Board is authorized to enter into the attached Stipulation pursuant to Sec. 227.44(5), Wis. Stats.

3. Respondent Cynthia M. Wergin has violated:

- a. Section 452.14(3)(i), Wis. Stats., and section RL 24.17(1), Wis. Adm. Code, by failing to notify the Department of the conviction.
- b. Sections 452.14(3)(k) and 452.14(3)(i), Wis. Stats., and section RL 24.17(2), Wis. Adm. Code, by being convicted of a crime, the circumstances of which substantially relate to the practice of real estate, which criminal conduct constitutes improper, fraudulent or dishonest dealing.

4. Respondent Wergin Realty, Inc., is subject to discipline by virtue of Section 452.14(4), Wis. Stats.

ORDER

NOW, THEREFORE, IT IS HEREBY ORDERED, that the attached Stipulation for the voluntary surrender of the real estate license of Cynthia M. Wergin is accepted.

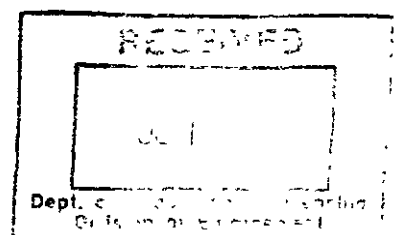
IT IS FURTHER ORDERED, that all rights and privileges granted to Cynthia M. Wergin under chapter 452 of the Wisconsin Statutes and real estate broker license #31126, are absolutely terminated, said termination effective at 11:59 p.m. on the date of this Order.

IT IS FURTHER ORDERED, that no credential or license under Chapter 452 of the Wisconsin Statutes shall be issued to Cynthia M. Wergin within the five (5) years subsequent to the date of this Order.

IT IS FURTHER ORDERED, that Respondent Wergin Realty, Inc., license number 24389, is hereby REPRIMANDED.

IT IS FURTHER ORDERED, that the license of Respondent Wergin Realty, Inc., is hereby LIMITED in that the Respondent Wergin Realty, Inc., shall not have as an owner, shareholder, investor, employee, independent contractor, volunteer or associate, and shall not in any way, directly or indirectly, be associated with, Cynthia M. Wergin, at any time during the period of five (5) years subsequent to the date of this Order. Respondent Wergin Realty, Inc., shall provide to the Real Estate Board proof of compliance with this LIMITATION within 30 days of the date of this Order.

IT IS FURTHER ORDERED, that Respondent Wergin Realty, Inc., shall pay the partial costs of this disciplinary matter in the amount of \$748.00 within six (6) months of the date of this Order,



by making payment of the same to the Department of Regulation and Licensing, P.O. Box 8935, Madison, Wisconsin 53708-8935.

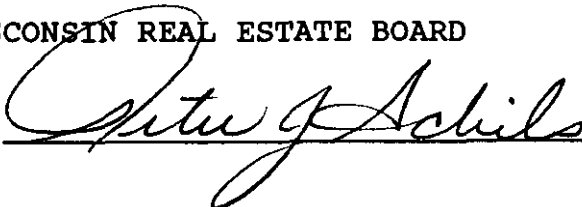
IT IS FURTHER ORDERED, that in the event the Respondent Wergin Realty, Inc., fails to pay the partial costs within the time set forth above, then its real estate credentials shall be suspended immediately, without further notice to it, without hearing and without further Order of the Board, until it has complied with the terms of this Order.

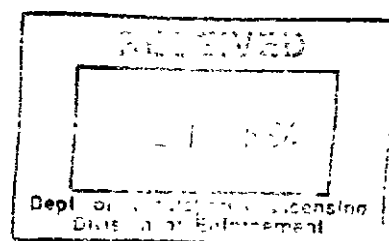
IT IS FURTHER ORDERED, that investigative file 93 REB 014, be and hereby is closed.

Dated this 28TH day of July, 1994.

WISCONSIN REAL ESTATE BOARD

By:





STATE OF WISCONSIN

FILED
CLERK OF COURTS
MARATHON COUNTY
CIRCUIT COURT
JUN 8 10 10 PM '93

MARATHON COUNTY

STATE OF WISCONSIN,

Plaintiff,

vs.

CYNTHIA M. WERGIN
1219 Highland Park Blvd.
Wausau, Wisconsin
DOB: 1/20/56,

Defendant.

CRIMINAL COMPLAINT

93CF7

STATE OF WISCONSIN)

) SS

COUNTY OF MARATHON)

Complainant, on information and belief, being first duly sworn on oath says that on or between the 1st day of November, 1989 to the 30th day of November, 1992, at the City of Wausau, in said County, the defendant did:

By virtue of her employment, having possession of money, intentionally use such money without the owner's consent, to-wit: United Methodist Church, in an amount in excess of \$2,500.00;

Section	943.20 (1) (b)
Penalty	943.20 (3) (c) - Class C felony
	939.50 (3) (c)

(fine of not to exceed \$10,000 or imprisonment not to exceed 10 years or both)

and prays that the defendant be dealt with according to law; that the basis for complainant's charge of such offense is as stated on the attached page.

Subscribed and sworn to before me,
and approved for filing 1/8/93.

THIS INSTRUMENT IS A CORRECT COPY OF THE ORIGINAL ON
FILE IN THIS OFFICE

ATTEST: 10/1 1993

DONNA J. SEIDEL
Clerk of Courts, Marathon County, WI

By Jacqueline Brod Deputy

Patricia J. Jorgensen
Complainant

Edith J. Jorgensen
Assistant District Attorney
Marathon County, Wisconsin

(District Attorney Bar Code #1019389)

Exhibit A

That the complainant is a law enforcement officer in and for Marathon County, Wisconsin, and the basis of this complaint is a report compiled by Wausau Police Detective Jicinsky; that complainant has read and reviewed Detective Jicinsky's reports in the past finding them to be trustworthy and reliable; that a copy of Detective Jicinsky's report is attached hereto and incorporated herein as if set forth at length.

That complainant believes the information provided to Detective Jicinsky by Todd Toppen, Dan Daubert and Michael Ida to be trustworthy and reliable in that they reported as citizen informants and in that their information is corroborated by the admissions made to Detective Jicinsky by the defendant against his penal interest.

Further, complainant has received from the United Methodist Church cancelled checks which were whited out and from M&I back copies of the same checks as they were presented showing the names of the payees to have been changed after presentation and clearance; that said copies are attached hereto and incorporated herein by reference.

Further, complainant obtained a statement from Michael Ida who stated on January 8, 1993 David Wergin stated to him in a telephone call, "I figure the most we could owe would be about \$100,000.00."

WALLSAU POLICE DEPARTMENT

INCIDENT REPORT NARRATIVE

COPY

Incident No. Date Officer Name/Badge No.

93052245

01/04/93

731 Jicinsky

Offense: Embezzlement

On the above date at approximately 1340 hours Todd T. Toppen along with Daniel D. Daubert came into the Police Department. They had information that a former employee had been working at the First United Methodist Church, located at 903 3rd St N., and may be involved in embezzlement of church funds.

They stated that the former treasurer who worked at the church from the late fall of 1989 up to November of 1992, this being Cindy Wergin. They indicated that the present reverend, Michael Ida, had noted some problems with the accounting within the church. He had asked Cindy Wergin if the audit had been completed. She stated that it was. He asked for a copy and she gave him an audit that she had signed. He indicated that this was not the proper procedure and he would have to check further into it. Shortly thereafter she did resign as treasurer.

Both Todd Toppen and Daniel Daubert are members of the First United Methodist Church and are on the church board. They, along with Pastor Ida, did go through the past financial records of the church. They brought along with them a number of copies of the checks that had gone through M&I First American National Bank along with the original copies that were taken from their files that had been returned by the bank. They found numerous discrepancies where checks had been made out in Cindy Wergin's name and cashed through the bank. When the checks came back to the church office the name of Cindy Wergin was removed with white out and other names were put down in their place.

They stated they still had to go through several other accounts at the church, being that they have four separate accounts; one being the General account, another is the Trustee's account, a third being the Service account and the fourth a Memorial account, which had been discontinued on 01/01/92.

Just in the general account for the year of 1992, they found checks with discrepancies in them totaling approximately \$25,000. They stated they would go back and check the other three accounts, along with the general account for both 1990 and 1991, as well as 1992.

On 01/05/93 information was received from both Todd Toppen and Daniel Daubert from all four accounts. From the General account there were another six checks, bringing the total to \$32,000 for 1992. In the general account for 1991 there was approximately \$31,000 and for 1990 there was approximately \$25,400 in discrepancies.

From the Service account in 1990 there were suspicious checks in the amount of \$5,000, in 1991 there were \$900 and in 1992 there were \$3,549 worth of discrepancies.

From the Trustee account in 1990 there were approximately \$3,000, in 1991 approximately \$1,900 and in 1992 approximately \$33,000 worth of discrepancies.

From the Memorial account, which was just in place through 1991, for 1990 approximately \$100 and in 1991 approximately \$1,100 worth of discrepancies.

In adding all four accounts up in suspicious checks, it would amount to approximately \$162,000.

Det/Sgt. Lenzner condensed all the information that was brought into our office from Mr. Daubert and Mr. Toppen. Information was then taken to M&I Bank, where they will run a check on all checks that were brought in on the four church accounts. This should be available within the next day or so.

U POLICE DEPARTMENT
INCIDENT REPORT NARRATIVE

Incident No.	Date	Officer Name/Badge No.
93052245	01/08/93	731 Jicinsky
Offense: Follow up on embezzlement of church funds.		

On the above date at approximately 1000 hours Det/Sgt. Lenzner and I did go to the David Wergin residence located at 1219 Highland Park Blvd., Wausau, WI. The door was answered by David's wife, Cynthia Wergin. We did identify ourselves as officers with the Wausau Police Department. She asked us to come in. We went into the living room and at that point David Wergin entered the room.

We advised both David and his wife why we were there, that a complaint had been filed from First United Methodist Church concerning a discrepancy and the possibility of embezzlement of funds from the church, that we had numerous checks where after the checks were cashed the names on the face of the checks were changed. We advised that we would like to talk with Cynthia concerning her side of the allegations.

David asked how much money we were talking about and we advised him it was in excess of \$100,000. He at that point stated that they wanted to confer with their attorney and that if the attorney advised, they would come down to talk about it. He then asked if it couldn't be worked out with the church. I advised him that that would have to go through the D.A.'s office since a formal complaint had been filed. He stated he would call us shortly thereafter, if he talked to his attorney.

At 10:43 a.m. I received a call from Mr. David Wergin. He advised us that his normal attorney is out of town and that his normal attorney does not handle criminal matters. He asked that if they were to take care of the restitution with the church, if it could just be handled that way instead of through the criminal court. I advised him that we had to forward all copies of our reports to the District Attorney's office and whatever the District Attorney and the church decides is the D.A.'s decision, but that we had to forward our reports to him. He stated he will be contacting the D.A.'s office.

FIRST UNITED METHODIST CHURCH

903 - 3RD ST.
WAUSAU, WI 54401

5038

79-03/759

2/27/92

PAY
TO THE
ORDER OF

Amber Wolover ^{cash}

\$ 478.27

Four Hundred Twenty eight and 27/100

DOLLARS

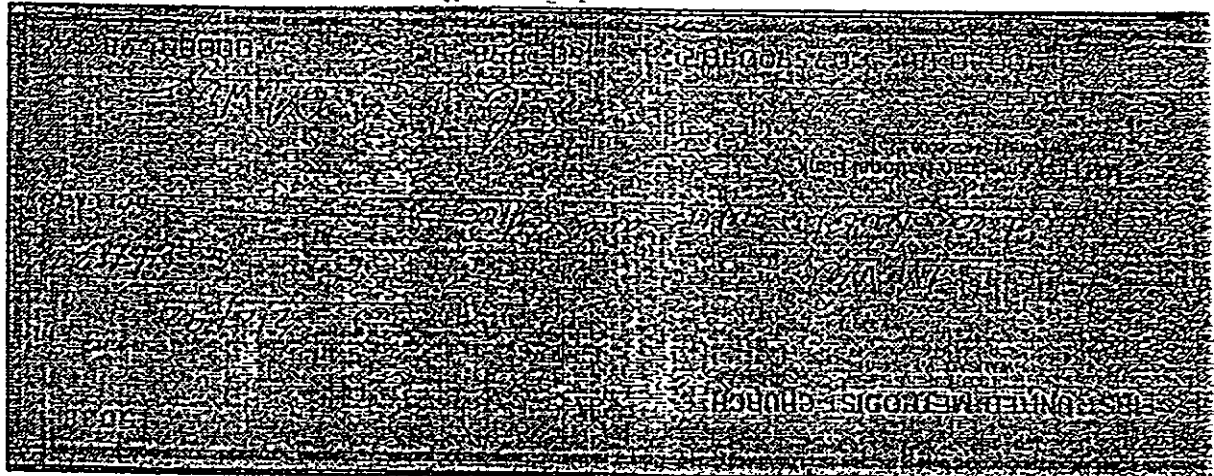
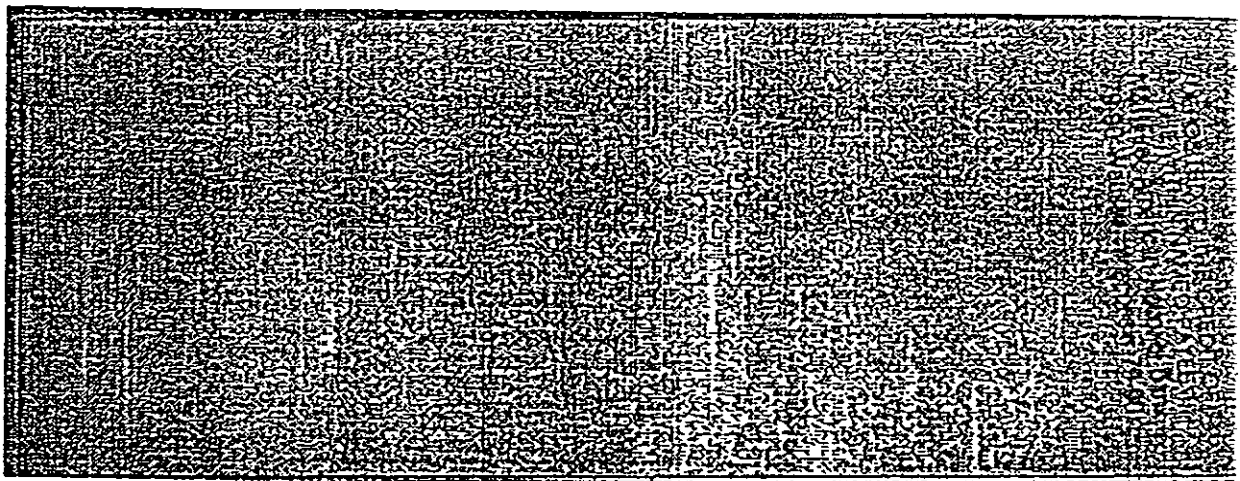
M&I First American National Bank
Wausau, Wisconsin 54402-8008

FOR

Colin M. Wey

⑈005038⑈ ⑆075900902⑆ 1 750 558 9⑈

⑈0000047827⑈

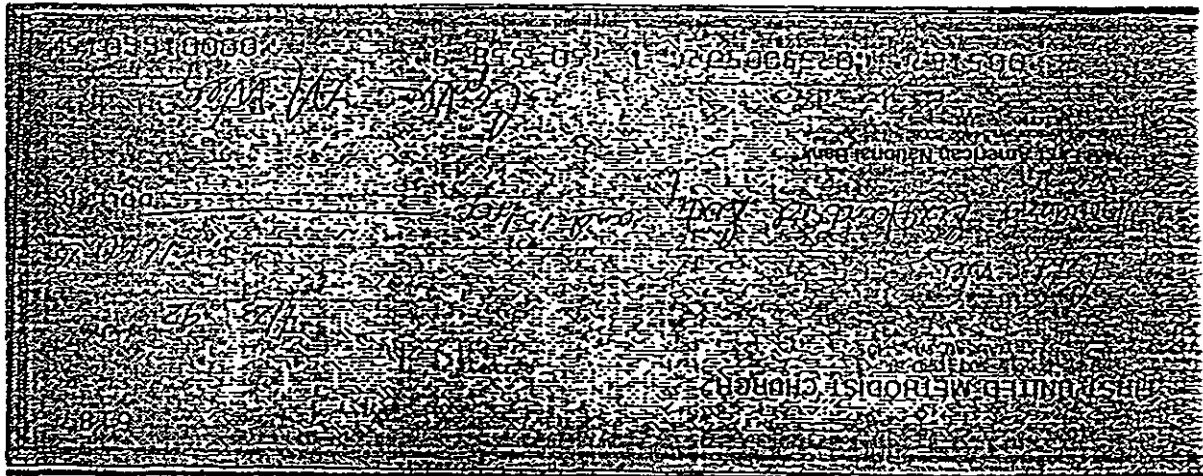


DO NOT WRITE, STAMP OR SIGN BELOW THIS LINE

222-0840:8499

29 FEB 8

DEPARTMENT OF GOVERNMENT SERVICES



5187

FIRST UNITED METHODIST CHURCH

903 - 3RD ST.
WAUSAU, WI 54401

PAY
TO THE
ORDER OF

M&I First American National Bank

4/23 19 92

79-901759

\$ 1660.15

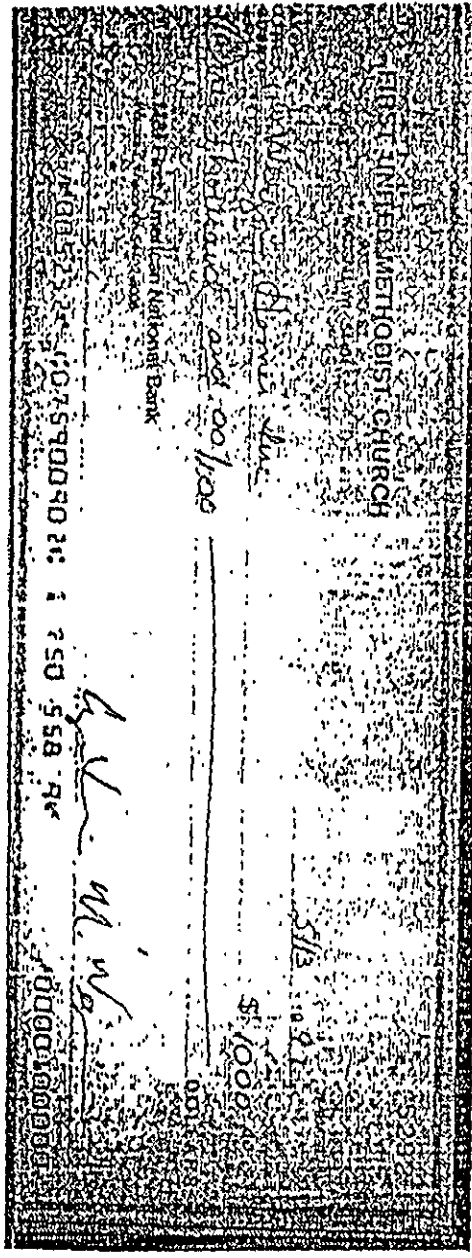
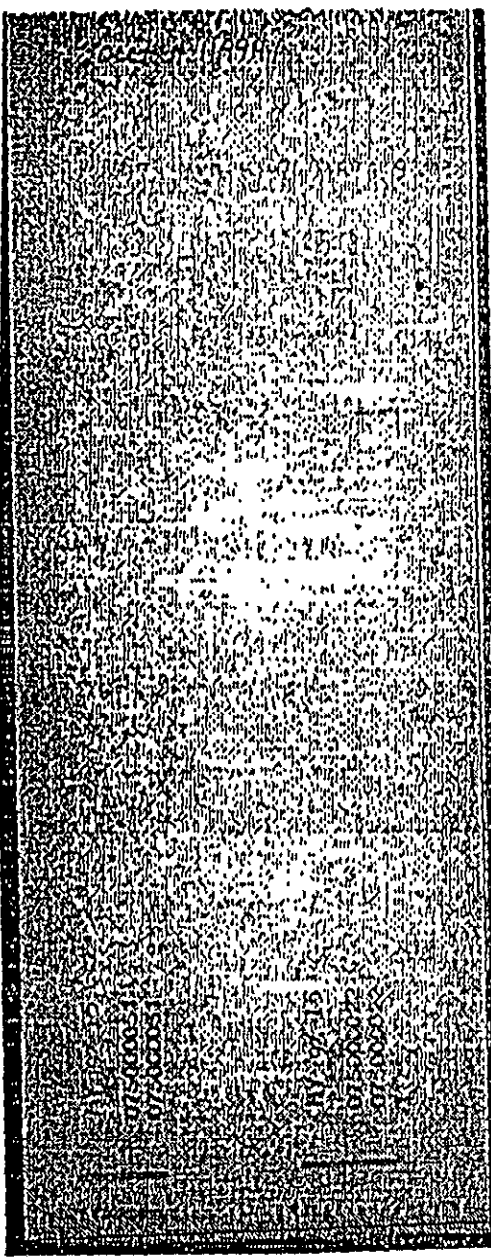
One Thousand Six Hundred Sixty, and 15/100

DOLLAR

M&I First American National Bank
Wausau, Wisconsin 54402-8008

FOR

Cyril M. Weig



FIRST UNITED METHODIST CHURCH 903 - 3RD ST. WAUSAU, WI 54401		5232
OF <u>Ly Yong Chang - Developer Program</u>		79-90/759
IN <u>Thousand and 00/100</u>		5/13 1992
		\$ 1000.00
		DOLLARS
M&J First American National Bank Wausau, Wisconsin 54402-8008		<u>Ly Yong Chang</u>
⑈005232⑈ ⑆3900902⑆ ⑆75055⑆ 9		⑈0000100000⑈

ENDORSE HERE

For dep. only
acct # 119941

DO NOT WRITE, STAMP OR SIGN BELOW THIS LINE
RESERVED FOR FINANCIAL INSTITUTION USE

073011402
FEDERAL RESERVE BANK
NEW YORK, N.Y.
07/27/1992

MY '92 15
PAID
BY DRAWEE INSTITUTION

11/1/92

MY '92 15
0750000051
0750000051

MY '92 15
0750000022
0750000022

FIRST UNITED METHODIST CHURCH

903 - 3RD ST
WAUSAU, WI 54401

5/30 1992

78-93/753

PAY
TO THE
ORDER OF*E.T.L. Company*

\$ 578.27

Five Hundred Seventy-eight and 27/100

DOLLAR

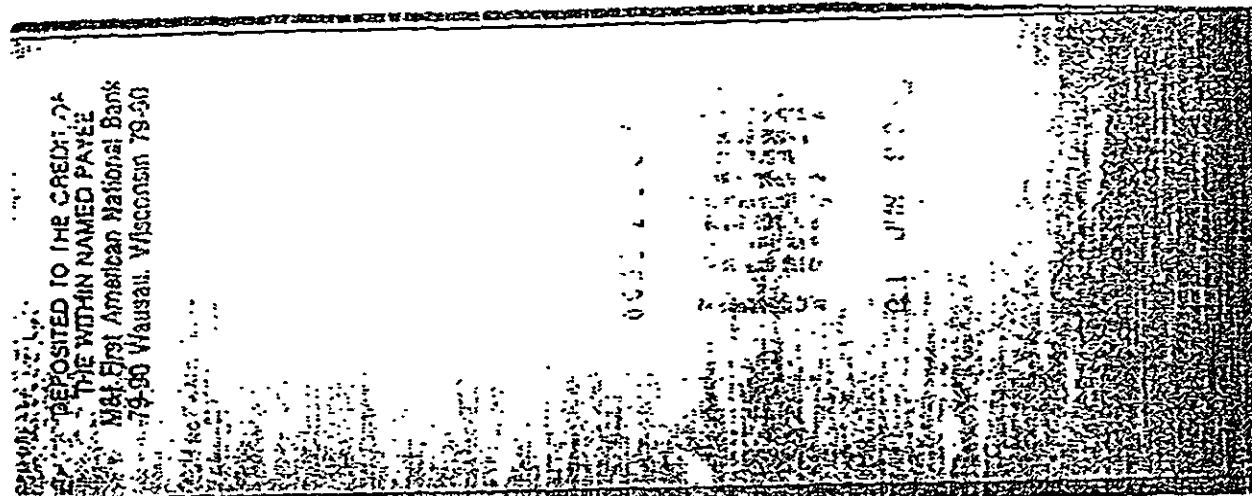
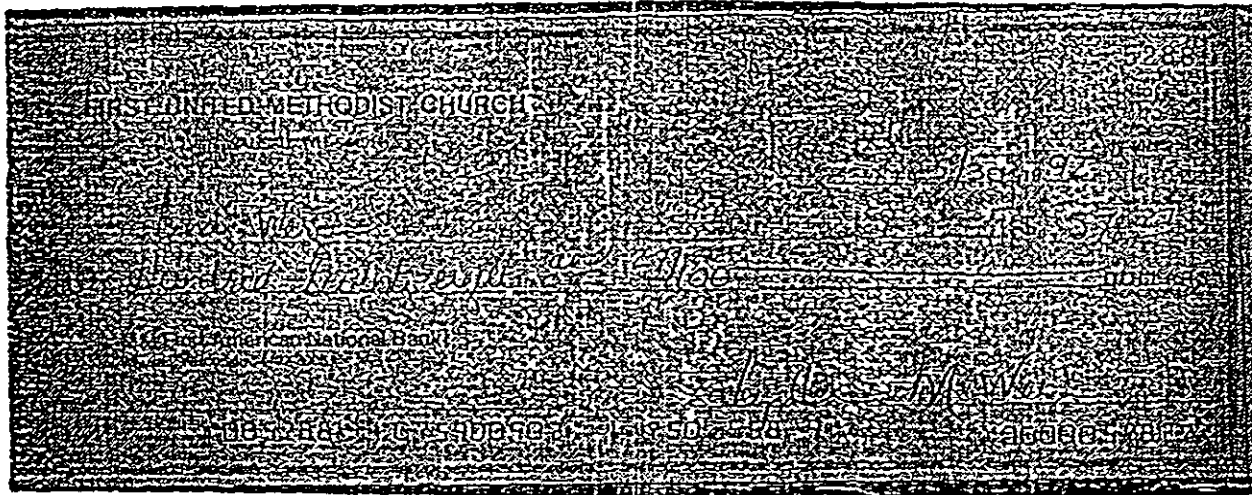
M&I First American National Bank
Wausau, Wisconsin 54402-8008

FOR

*Cleaning supplies - floor**Cynthia M. Wey*

⑈005288⑈ ⑈075900902⑈ ⑈750 598 9⑈

⑈0000057827⑈



DEPOSITED TO THE CREDIT OF
THE WITHIN NAMED PAYEE
M&I First American National Bank
79-90 Wausau, Wisconsin 79-90

DO NOT WRITE, STAMP OR SIGN BELOW THIS LINE
TO BE FILLED BY FINANCIAL INSTITUTION U.S.C.

PAID
BY DEPOSIT INSTITUTION

00532287

0151 847426
500 W. Main St.
PO Box 807
M&I First American
National Bank
Wausau, WI
54402-8008
575500024

01 JUN 92

FIRST UNITED METHODIST CHURCH

903 - 3RD ST.
WAUSAU, WI 54401

5302

PAY
TO THE
ORDER OF

Forward Electronic Corp.

6/8 19 92

78-40/759

\$ 1,200.00

One Thousand Two Hundred and 00/100

DOLLAR

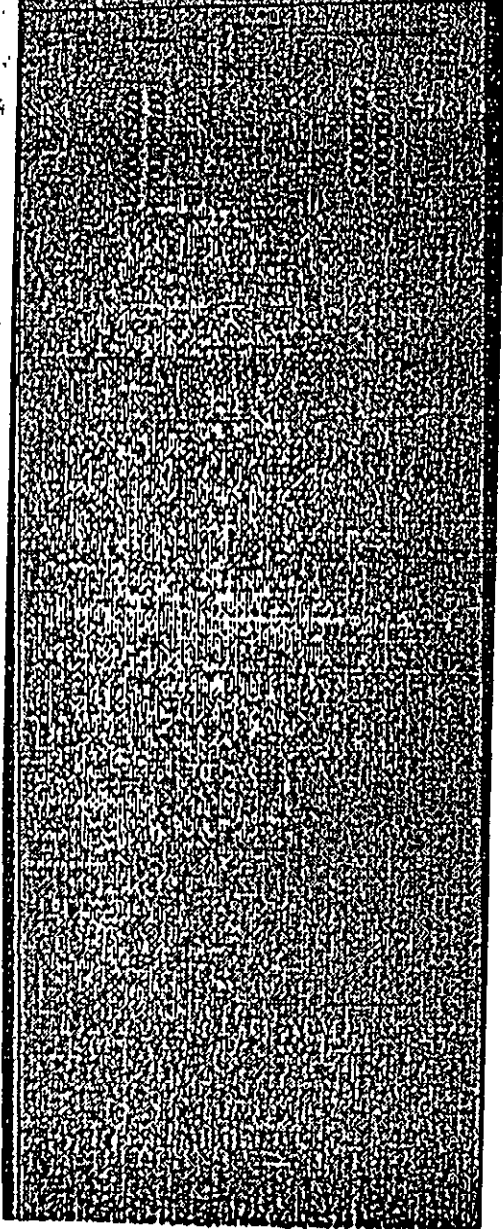
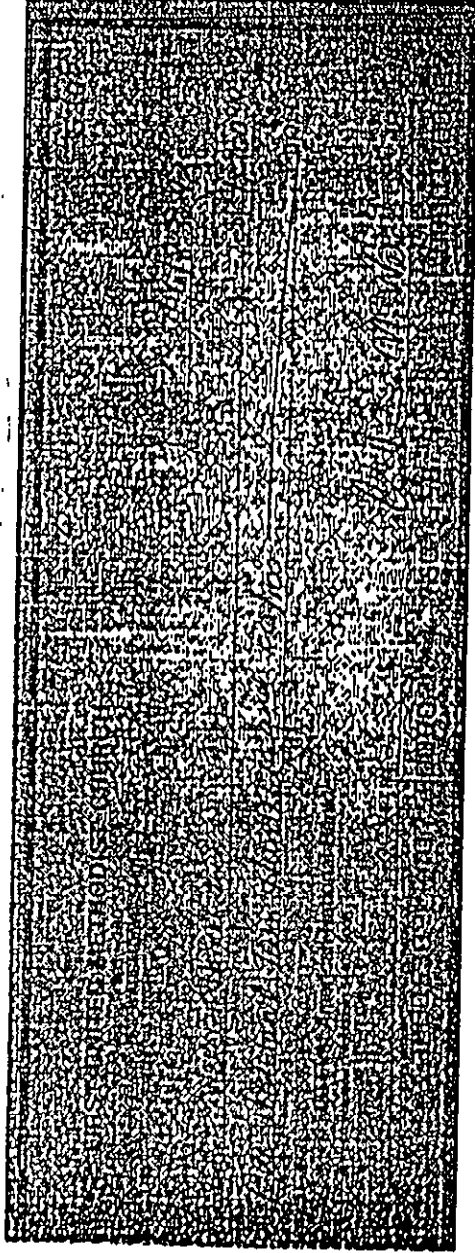
M&I First American National Bank
Wausau, Wisconsin 54402-8008

FOR

Lydia M. Warg

⑈005302⑈⑈075900902⑈ 1 750 558 9⑈

⑈0000120000⑈



CREDITED TO THE ACCOUNT OF
The Within Named Payee
Amount of Enclosed Guaranteed
FIRST WISCONSIN NATIONAL BANK
79-1180-1 Waukegan, WI 79-1180
DO NOT WRITE, STAMP OR SIGN BELOW THIS LINE
RESERVED FOR FINANCIAL INSTITUTION USE

075911703
FIRST WISCONSIN NATIONAL BANK
600 N. MICHIGAN
WAUKEGAN, IL 60085
075911703

JE 82 15
PAID
BY BRANTZ INSTRUCTIONS

JUN 12 92

027492157

JE 82 15
075000051
075000051

JE 13
075000022
075000022

006499657

FIRST UNITED METHODIST CHURCH
903 - 3RD ST.
WAUSAU, WI 54401

5730

PAY
TO THE
ORDER OF

Rocky Boyles Corp.

11/30 19 92

79-301759

One thousand six hundred seven and 05/100

\$ 1607.05

DOLLAR

M&I First American National Bank
Wausau, Wisconsin 54402-6008

FOR

Lynette M. Wey

⑈005730⑈ ⑆075900902⑆ 1 750 558 9⑈

⑈0000160705⑈

FIRST UNITED METHODIST CHURCH

903 - 3RD ST.
WAUSAU, WI 54401

11/30 19 92

Lynette M. Wey

\$ 1607.05

One thousand six hundred seven and 05/100

M&I First American National Bank
Wausau, Wisconsin 54402-6008

Lynette M. Wey

⑈0000160705⑈

⑈005730⑈ ⑆075900902⑆ 1 750 558 9⑈

00406742
05/11/92
501 8000 ST
P.O. BOX 5008
M&I FIRST
NATIONAL BANK
WAUSAU, WI
54402-6008
⑆075900902⑆

NOV 82

PACKAGE BOILER COPY

DO NOT WRITE, STAMP OR SIGN BELOW THIS LINE
RESERVED FOR FINANCIAL INSTITUTION USE *

NO '92 30

PAID

MAINTENANCE

00406742

▶ 075503902

(715) 847-4220

500 THIRD ST.

P.O. BOX 8008

MET 1ST AMERICAN

NATIONAL BANK

WAUSAU, WI

54402-8008

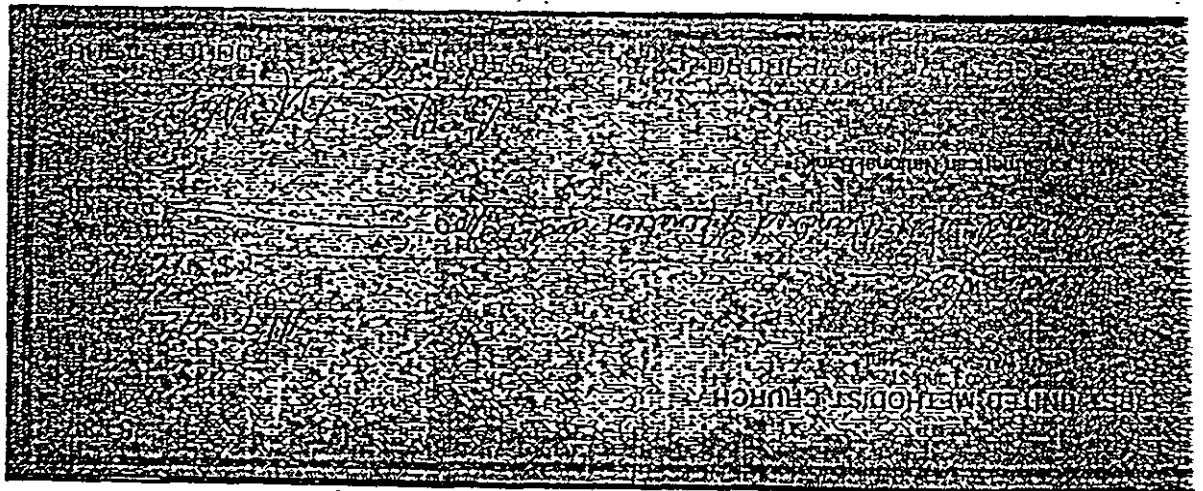
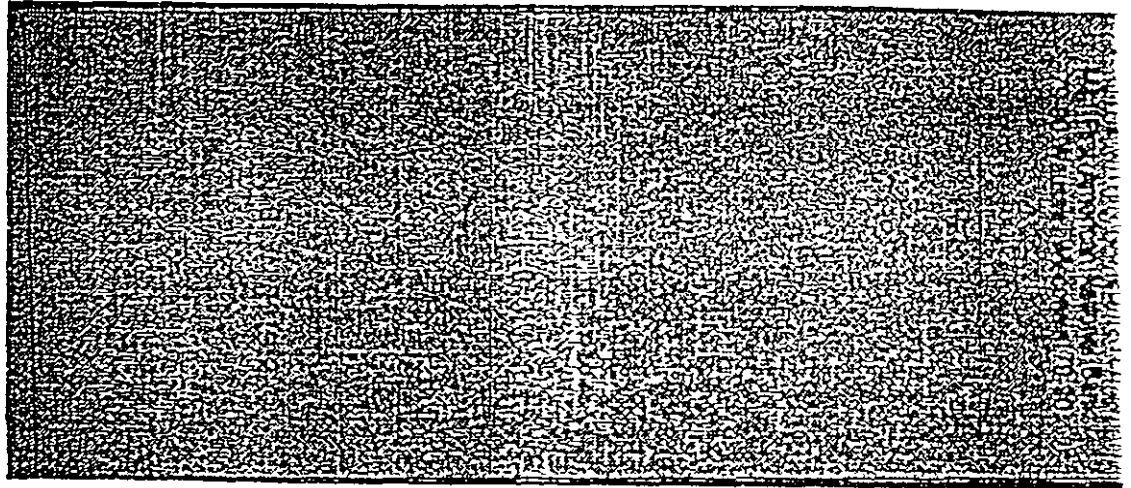
▶ 075503902

30 NOV 92

DE '92 01

075000051

075000051



5137

FIRST UNITED METHODIST CHURCH

903 - 3RD ST.
WAUSAU, WI 54401

79-901759

PAY
TO THE
ORDER OF

Wausau Insurance Companies

4/9 19 92

\$ *1619.00*

One Thousand Six Hundred Nineteen and 00/100

DOLLAR

M&I First American National Bank
Wausau, Wisconsin 54402-8008

FOR

April M. Wey

DEPOSITED TO THE CREDIT OF
THE WITHIN NAMED PAYEE
M&I First American National Bank
79-90 Wausau, Wisconsin 79-90

DO NOT WRITE, STAMP OR SIGN BELOW THIS LINE
RESERVED FOR FINANCIAL INSTITUTION USE *

APR 92 10
PAID
PAYEE INSTITUTION

30610363

10 APR 92

4989

FIRST UNITED METHODIST CHURCH

903 - 3RD ST
WAUSAU, WI 54401

79-80/759

for Wisconsin Power Corp.

hundred twenty three and 38/100

\$ 673.31

DOLLARS

2110 10 92

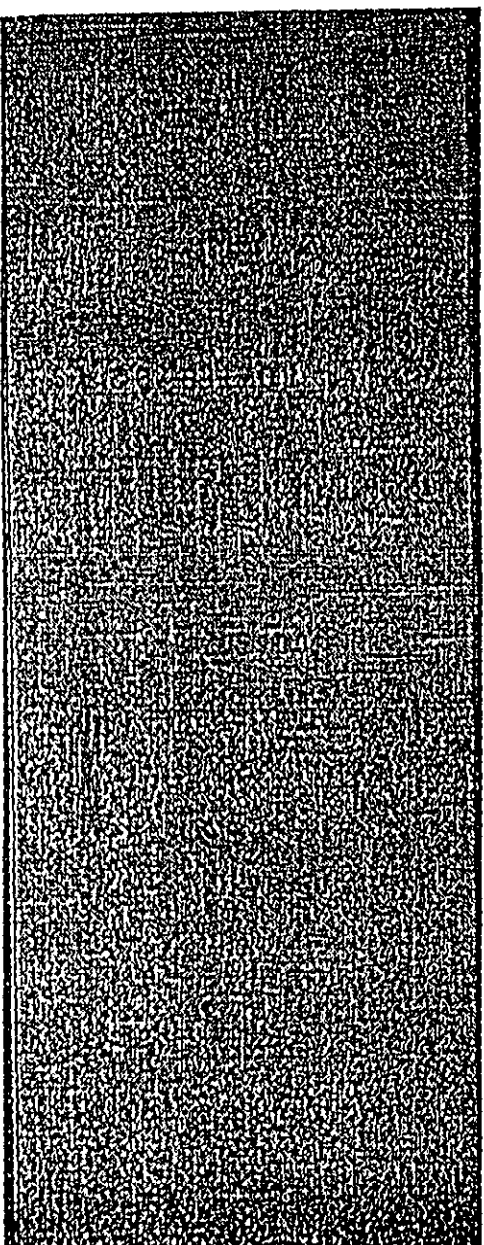
MS& First American National Bank
Wausau, Wisconsin 54402-8008

⑆0004989

⑆075900902⑆ 1 750 55⑆ 9⑈

6-28-79 W. W. W.

⑆0004989⑆
⑆075900902⑆ 1 750 55⑆ 9⑈
MS& First American National Bank
Wausau, Wisconsin 54402-8008
903 - 3RD ST
WAUSAU, WI 54401
79-80/759
for Wisconsin Power Corp.
hundred twenty three and 38/100
\$ 673.31
DOLLARS
2110 10 92
6-28-79 W. W. W.



DO NOT WRITE, STAMP OR SIGN BELOW THIS
REGISTERED FOR PAYMENT BY TELEGRAPH

BY CHANGE INSTRUCTIONS

PAID

FB 92 10

00532833

075500502
54402-8008
WAUSAU, WI
NATIONAL BANK
MELIST AMERICAN
P.O. BOX 8008
430 THIRD ST
0151 847-4220
S
075500502

10 FEB 92

JO. S. QUINN & CO. INC. 100 N. LAKE ST. CHICAGO, ILL. 60601

STATE OF WISCONSIN

CIRCUIT COURT

MARATHON COUNTY

STATE OF WISCONSIN,

Plaintiff,

vs.

INFORMATION

Case #93CF7

CYNTHIA M. WERGIN

DOB: 1/20/56,

Defendant.

STATE OF WISCONSIN)

) SS

MARATHON COUNTY)

I, LaMont Jacobson, Assistant District Attorney in and for Marathon County, do hereby inform the court that on or about the 16th day of December, 1991, at the City of Wausau, in said County and State, the said CYNTHIA M. WERGIN did:

Unlawfully, with intent to defraud, falsely make a writing of a kind whereby legal rights and obligations are created and transferred and commonly relied upon in business or commercial transactions as evidence of debt, to wit: a check of the following tenor: United Methodist Church Trustees account check #267 in the amount of \$6,020.82, so that it purported to have been made by authority of one who did not give such authority and so that it purported to have been made by another;

Section 943.38(1)(a)
Penalty 943.38(1) - Class C felony
939.50(3)(c)

(Fine of not to exceed \$10,000 or imprisonment not to exceed 10 years or both)

(continuation attached)

Against the peace and dignity of the State of Wisconsin.

Dated 9/28, 1993.

THIS INSTRUMENT IS A CORRECT COPY OF THE ORIGINAL ON
FILE IN THIS OFFICE

ATTEST: 9/30 1993

DONNA J SEIDEL
Clerk of Courts Marathon County WI

By Jacqueline Brod

Assistant District Attorney
Marathon County, Wisconsin
(District Attorney Bar Code #)

Exhibit B

FILED
CLERK OF COURTS
MARATHON COUNTY
SEP 28 9 01 AM '93
D. J. SEIDEL
CLERK

AND AS AND FOR A SECOND COUNT:

Did, on or about the 29th day of October, 1992, at the City of Wausau in said county:
Unlawfully, with intent to defraud, falsely make a writing of a kind whereby legal rights and obligations are created and transferred and commonly relied upon in business or commercial transactions as evidence of debt, to wit: a check of the following tenor: United Methodist Church Trustees account check #294 in the amount of \$9,000.00, so that it purported to have been made by authority of one who did not give such authority and so that it purported to have been made by another;

Section	943.38(1)(a)
Penalty	943.38(1) - Class C felony 939.50(3)(c)

(Fine of not to exceed \$10,000 or imprisonment not to exceed 10 years or both)

AND AS AND FOR A THIRD COUNT:

Did, between May 7, 1990 and November 30, 1992, at the City of Wausau in said county:
Unlawfully take and carry away the moveable property of another, to-wit: funds from United Methodist Church in excess of \$2,500.00, without the owner's consent and with intent to deprive the owner permanently of possession of said property;

Section	943.20(1)(a)
Penalty	943.20(3)(c)-Class C felony 939.50(3)(c)

(Fine of not to exceed \$10,000 or imprisonment not to exceed 10 years or both)

State vs Cynthia M. Wergin

JUDGMENT OF CONVICTION

Sentence Withheld, Probation Ordered

Date of Birth: 01-20-1956

Case No.: 93CF000007

The Court found the defendant guilty of the following crime(s):

Ct.	Crime(s)	Wis Stat. Violated	Plea	Fel. or Misd.	Date(s) Crime Committed
1	Forgery-Writings or Objects	943.38(1)(a)	No Contest	FC	Between 11/1/89 and 11/30/92
2	Forgery-Writings or Objects	943.38(1)(a)	No Contest	FC	10-29-1992
3	Theft-Movable Property (> \$2500)	943.20(1)(a)	No Contest	FC	05-07-1990

IT IS ADJUDGED that the defendant is convicted on 09-28-1993 as found guilty and is sentenced as follows:

Ct.	Sent. Date	Sentence	Length	CC/CS	Agency
		Withheld, Probation Ordered	12 YR	on each count concurrent	002

Conditions of Sentence/Probation

Obligations: (Total amounts only)

Fines and Assessments	Court Costs	Attorney Fees	Restitution	Other	Mandatory Victim/Witness Surcharge
	20.00		* to be determined		150.00

Conditions

Ct.	Condition Jail Time	Length	Agency	Begin Date	Begin Time	Comments
		12 MO				with huber and to start at the discretion of PO. 6 months to be jail/6 months on monitor
	Community Service	1200 HR				not less than 100 hours per year

Miscellaneous Conditions:

Ct.	Condition Other	Comments
		letter of apology to church via DA's office

THIS INSTRUMENT IS A CORRECT COPY OF THE ORIGINAL ON FILE IN THIS OFFICE

ATTEST

9/30 1993

DONNA J. STEEL
Clerk of Courts, Marathon County WIBy Jaqueline Brod Deputy

Exhibit C

State vs Cynthia M. Wergin

JUDGMENT OF CONVICTION

Date of Birth: 01-20-1956

Sentence Withheld, Probation Ordered

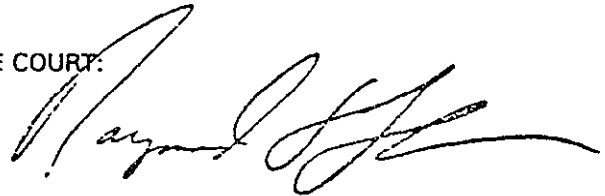
Case No.: 93CF000007

IT IS ADJUDGED that 0 days sentence credit are due pursuant to § 973.155 Wisconsin Statutes.IT IS ORDERED that the Sheriff execute this sentence.

Parties:

Raymond F. Thums, Judge
Lamont K Jacobson, District Attorney
Rand Krueger, Defense Attorney

BY THE COURT:



Circuit Court Judge/Clerk/Deputy Clerk

9-28-93

Date

75a

STATE OF WISCONSIN
BEFORE THE REAL ESTATE BOARD

IN THE MATTER OF THE DISCIPLINARY:
PROCEEDINGS AGAINST :

CYNTHIA M. WERGIN and
WERGIN REALTY, INC.,
RESPONDENTS. :

STIPULATION

93 REB 014

The parties in this matter agree and stipulate as follows:

1. This Stipulation is entered into for the purpose of resolving this matter known as investigative file 93 REB 014. Respondents Cynthia M. Wergin and Wergin Realty, Inc., by its president, David D. Wergin, ("Respondents") consent to the resolution of these matters by this Stipulation and the attached Final Decision and Order.

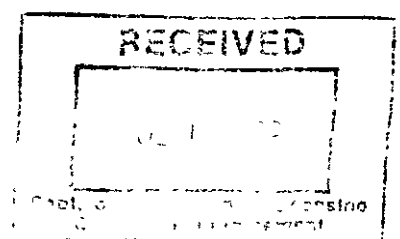
2. Respondents understand that by the signing of this Stipulation, they voluntarily and knowingly waive their rights, including: the right to a hearing on the allegations against each of them, at which time the State has the burden of proving those allegations; the right to confront and cross-examine the witnesses against them; the right to call witnesses on their behalf and to compel their attendance by subpoena; the right to testify themselves; the right to file objections to any proposed decision and to present briefs or oral arguments to the officials who are to render the final decision; the right to petition for rehearing; and all other applicable rights afforded to them under the United States Constitution, the Wisconsin Constitution, the Wisconsin Statutes, and the Wisconsin Administrative Code.

3. Respondents have had the opportunity to consult with legal counsel regarding these matters and the legal implications of this Stipulation.

4. Respondents voluntarily and knowingly waive the rights set forth in paragraph 2 above, on the condition that all of the provisions of this Stipulation are approved by the Board.

5. With respect to the attached Final Decision and Order, Respondents admit the facts as set forth in the Findings of Fact and agree that the Board may make the Findings of Fact and may reach the Conclusions set forth in the Conclusions of Law and may enter the Order accepting the voluntary surrender of license from Respondent Cynthia M. Wergin and the Reprimand of Respondent Wergin Realty, Inc.

6. If the terms of this Stipulation are not acceptable to the Board, the parties shall not be bound by the contents of this Stipulation or the proposed Final Decision and Order. The matter



shall then be returned to the Division of Enforcement for further proceedings. In the event that the Stipulation is not accepted by the Board, the parties agree not to contend that the Board has been prejudiced or biased in any manner by the consideration of this attempted resolution.

7. If the Board accepts the terms of this Stipulation, the parties to the Stipulation consent to the entry of the attached Final Decision and Order without further notice, pleading, appearance or consent of the parties.

8. Respondents agree that Complainant's attorney, Charles J. Howden, may appear at any deliberative meeting of the Board with respect to the Stipulation but that his appearance is limited to statements in support of the Stipulation and to answer any questions the Board may have regarding the Stipulation. Respondents waive their right to have notice of that hearing and to be present at the meeting of the Board.

9. The Division of Enforcement joins Respondents in recommending that the Board adopt this Stipulation and issue the attached Final Decision and Order.



CYNTHIA M. WERGIN, Respondent

7/13/94
Date



WERGIN REALTY, INC., Respondent
by its president: David D. Wergin

7/13/94
Date



Charles J. Howden, Attorney
Division of Enforcement

7/18/94
Date

